

REMARKS

Applicants thank the Examiner for participating in the telephone interview on October 5, 2010. Applicants' interview summary is encompassed by the following remarks.

Claims 1-15 are pending in the application, and independent claims 1, 7, and 13-15 have been amended herein. In accordance with the discussions during the telephone interview, independent claim 1 has been amended to further define the term "management information" as: "management information including information needed to make a special playback and in which a playback duration and a data size are associated with each other with respect to each said data unit." Comparable amendments have been made to independent claims 7 and 13-15. Support for these amendments may be found in the application at least at paragraph [0053]. During the telephone interview, the Examiner agreed this clarification of the nature of the management information would be sufficient to overcome the current rejections. A more detailed explanation of the distinctions between the claimed invention and cited references follows.

Favorable reconsideration of the application is respectfully requested in view of the claim amendments and following remarks.

I. Claim Rejections – 35 U.S.C. § 112, second paragraph

Independent claim 1 stands rejected pursuant to 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner asserts the term "***the*** newest management information" lacks a proper antecedent basis. In accordance with the Examiner's comments, the deficiency has been corrected by amending claim 1 to recite "***the a*** newest management information". Comparable amendments have been made to independent claims 7 and 13-15. The rejection, therefore, should be withdrawn.

In addition, although not a basis for an indefiniteness rejection, the independent claims have been amended to remove the phrasing "not only . . . but also".

II. Claims Rejections – 35 U.S.C. § 103(a)

A. Overview of the Claimed Invention

Applicants' invention pertains to a system that enables a client device to perform a special playback of movie data (e.g., fast forward, fast reverse) while the movie data simultaneously is being streamed from and recorded in a server device. The claimed invention provides for updating "management information", which includes information needed to make a special playback. (See Application at paragraph [0053].) As indicated above, this definition of "management information" is encompassed by the current claim amendments. The updated management information is referred to in the application as "newest management information". (See, e.g., Application at paragraphs [0067-0069].)

In accordance with such features, independent claim 1 recites in part a server device wherein: "if the request to transmit the data unit has been received after the management information was transmitted, the request processing section instructs that at least a piece of a newest management information be transmitted with the data unit selected by the request to transmit." Comparable features are recited in the other independent claims with respect to other portions of the system, including the client device (claim 7), a movie distribution system including a server device and a client device (claim 13), a server device method (claim 14), and a client device method (claim 15).

As discussed during the interview, the references cited by the Examiner do not disclose or suggest the claim features pertaining to transmission of a newest management information with the data unit being processed.

B. Deficiencies of the References

Claims 1-15 stand rejected pursuant to 35 U.S.C. § 103(a) as being obvious over Ellis et al., U.S. Patent Application Publication No. 2002/0174430 (Ellis) in view of Futagami et al., U.S. Patent No. 6,754,665 (Futagami). In the Office Action, the Examiner recognizes Ellis does not teach the claim features pertaining to the use of "newest management information". The Office Action, however, asserts Futagami discloses such features. Applicants dispute this interpretation of Futagami.

As discussed during the interview, Futagami discloses a system for managing personal information of client participants. In particular, the system provides for automatic updating of personal client information. (See, e.g., Futagami at col. 8, line 28 to col. 10, line 8.) Futagami, however, does not relate to management information **at all** in the context of Applicants' system, as being information for controlling playback of movie data, and particularly a special playback. Essentially, the automatic updating of client information, as taught by Futagami, is not comparable to the transmission (server side) and receipt (client side) of newest management information as claimed.

For these reasons, Futagami does not disclose pertinent features of the claimed invention as asserted by the Examiner. It follows a combination of Futagami and Ellis does not result in, disclose, or suggest the invention as recited in independent claims 1, 7, and 13-15. The dependent claims are patentable for at least the same reasons. The rejections, therefore, should be withdrawn.

III. Conclusion

Accordingly, claims 1-15 are allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988, Docket No. OKUDP0171US.

Respectfully submitted,

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